



TEXAS WATER COMMISSION
Stephen F. Austin State Office Building
Austin, Texas

PERMIT TO DISPOSE OF WASTES
under provisions of Chapter 26
of the Texas Water Code

McGinnes Industrial Maintenance Corporation

whose mailing address is

5837 Northdale
Houston, Texas 77017

is authorized to dispose of wastes from a sludge treatment facility

located adjacent to Carancahua Lake and the Intracoastal Canal
on Hall Bayou Ranch property in the L. T. Yowell Survey, Galveston
County, Texas

to the Intracoastal Waterway, thence into Segment 2424, which is
West Bay, a part of the Trinity-San Jacinto Estuary.

in accordance with effluent limitations, monitoring requirements
and other conditions set forth herein. This permit is granted
subject to the rules of the Department, the laws of the State of
Texas, and other orders of the Commission.

This permit and the authorizations contained herein shall expire
at midnight, five years after the date of Commission approval.

APPROVED, ISSUED, AND EFFECTIVE this ____ day of _____,
19__.

ATTEST: _____

For the Commission

PERMIT NO. 01221
(Corresponds to
NPDES PERMIT NO. TX 0004910)

This permit supersedes and replaces
Permit No. 01221 approved
August 26, 1975.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning effective date and lasting through expiration date the permittee is authorized to discharge from outfall(s) serial number(s) 001.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	<u>kg/day (lbs/day)</u>		<u>Other Units (Specify)</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>Daily Avg</u>	<u>Daily Max</u>	<u>Daily Avg</u>	<u>Daily Max</u>		
Flow—m³/Day (MGD)	N/A	N/A	N/A	N/A	Continuous	Recorded
Total Suspended Solids	N/A	N/A	60 mg/l	90 mg/l	1/day*	Composite
Biochemical Oxygen Demand (5-day)	N/A	N/A	25 mg/l	40 mg/l	1/day*	Composite
Total Organic Carbon	N/A	N/A	75 mg/l	115 mg/l	1/day*	Composite
Free or Floating Oils	N/A	N/A	None	None	1/day*	Grab
Hazardous Metals	N/A	N/A	**	**	1/2 week*	Composite

* When discharging (for hazardous metals a sample shall be taken each two week or for fractions of a two week period).

** In samples taken to determine the chemical quality of the discharge, the concentration of any hazardous metal enumerated in Texas Department of Water Resources Rule Nos. 156.19.15.001-.009 shall not exceed the respective allowable concentration established by the Rule for the type of sample analyzed nor shall the average concentration of all samples analyzed for any particular metal during a month exceed the average allowable concentration for the metal as established by the Rule.

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored 1/day* by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

At outfall 001, which shall be the final treatment pond from which the discharge is being made.

PART I

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Permit No.

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

None.

2. No later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting* (See Footnote for Applicable State Requirements)

Monitoring results obtained during the previous three months shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due following the reporting period during which the permit becomes effective. Therefore, reporting periods shall end on the last day of the months of March, June, September and December unless requested by the Executive Director to be submitted more frequently. Duplicate signed copies of these, and all other reports required here, shall be submitted to the Regional Administrator and the Texas Department of Water Resources at the following addresses:

(a) Environmental Protection Agency
Region VI
First International Bank Bldg.
1201 Elm Street
Dallas, Texas 75270

(b) Executive Director
Texas Department of Water Resources
P. O. Box 13087, Capitol Station
Austin, Texas 78711

3. Definitions

- a. The "daily average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the production or commercial facility was operating. Where less than daily sampling is required by this permit, the daily average discharge shall be determined by the number of days during the calendar month when the measurements were made.

*This section does not apply to permits issued by the Texas Water Commission. Until notified by the Executive Director, Texas Department of Water Resources, or the Commission to do otherwise, the permittee shall comply with the reporting requirements of Rules 156.19.05.001-.010, Rules of the Department.

- b. The "daily maximum" discharge means the total discharge by weight during any calendar day.

4. Test Procedures

Test procedures for the analyses of pollutants shall comply with procedures specified in Rules of the Department of Water Resources and shall conform to regulations published pursuant to Section 304(g) of the Act, under which such procedures may be required.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and
- e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of three (3) years or longer if requested by the Regional Administrator of the Environmental Protection Agency or the Texas Department of Water Resources.

PART II

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the Executive Director, Texas Department of Water Resources, with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of non-compliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact on the waters to the State of Texas resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypassing

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit, or (iii) where authorized under a program of preventive or corrective maintenance as approved by the Environmental Protection Agency or the Executive Director, Texas Department of Water Resources. The permittee shall promptly notify the Regional Administrator and the Executive Director, Texas Department of Water Resources, in writing of each such diversion or bypass.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering the waters of the State of Texas.

7. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities,

or, if no date for implementation appears in Part I,
- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of one or more of the primary sources of power to the wastewater control facilities.

B. RESPONSIBILITIES

1. Right of Entry

The permittee is hereby notified that the State and/or local governments specifically reserve all rights of entry and inspection granted them by the law.

The permittee shall allow the Regional Administrator of the Environmental Protection Agency and/or his authorized representative, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the Texas Department of Water Resources.

3. Availability of Reports

Except for data determined to be confidential under Rule 156.01, 01.013, Rules of the Department, Section 26.134 of the Water Code and Section 308

of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Texas Department of Water Resources and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential.

Knowingly making any false statement on any such report may result in the imposition of criminal and/or civil penalties.

4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

5. Toxic Pollutants

Notwithstanding Part II, B-4 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Water Pollution Control Act Amendment of 1972 for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II,A-5) and "Power Failure" (Part II,A-7), nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from any responsibilities, liabilities or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Federal Water Pollution Control Act Amendments of 1972.

8. State and Federal Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State or Federal law or regulation.

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

10. Severability of Conditions

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

OTHER REQUIREMENTS

For the purpose of Part I of this permit, the following definitions shall apply in lieu of those under "Part I, Section C, 'Monitoring and Reporting'", where limitations are expressed in concentration:

- a. The "daily average" concentration means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during that calendar day.
- b. The "daily maximum" concentration means the daily determination of concentration for any calendar day.

For the purpose of Part III of this permit, the following definition shall apply:

Grab sample quality means the quality determined by measuring the concentration in milligrams per liter, parts per million or other appropriate units of measurement in a single grab sample of the discharge of a defined waste.

When three, four or five consecutive grab samples have been collected at various times on separate days by the same entity, the existence of concentrations of any specific pollutant in more than two samples in excess of the value shown for the specific pollutant in Column 1 of Table 1, Part III of this permit, is a violation. Each failure to comply with the above requirement for a specific pollutant is a separate violation except the case where the pollutant parameters involved are expressions of the same characteristic of the effluent.

Each grab sample containing pollutants in excess of the concentrations shown for such pollutant in Column 2 of Table 1, Part III of this permit, is a violation. Each failure to comply with the above requirement for a specific pollutant is a separate violation except the case where the pollutant parameters involved are expressions of the same characteristic of the effluent.

The foregoing requirements shall be applied with judgment, and in the context of the other relevant information available.

PART III

OTHER REQUIREMENTS

The following additional limitations apply to outfall 001:

Volume: Not to exceed a maximum of 1,000,000 gallons per day
Not to exceed a maximum of 1,500 gallons per minute

Table 1

<u>Pollutant</u>	<u>Grab Samples</u>	
	<u>Column 1</u>	<u>Column 2</u>
Total Suspended Solids, mg/l	75	120
Biochemical Oxygen Demand (5-day), mg/l	35	50
Total Organic Carbon mg/l	95	145

The permittee is hereby notified that Texas Department of Water Resources Rule Nos. 156.19.15.001-.009 shall apply to this discharge.

The company shall refrain from excavating new pits in tidal nursery areas.

The corporation shall notify the Galveston County Health Department and District 7 Office of the Texas Department of Water Resources at least 24 hours prior to the commencement of the discharge.

As sludge and oxidation ponds are filled in the future, plans for closing these facilities shall be submitted to the Texas Department of Water Resources for its approval at least three months prior to the anticipated date of pond closing.

Sludges discharged to this treatment and disposal system shall be limited to sludges produced directly as a result of the treatment of wastewaters at the Gulf Coast Waste Disposal Authority's Washburn Tunnel Plant. Wastewater or sludges from origins other than the Washburn Tunnel Plant treatment processes are not authorized to be treated or disposed of at this site unless specific prior approval is obtained from the Texas Water Commission.

Groundwater samples shall be obtained for analysis from all five (5) monitor wells every six (6) months. These samples shall be analyzed for the following parameters: pH, biochemical oxygen demand - 5 day, total organic carbon, sulfide, chromium and mercury. The results of these analyses shall be sent to the Austin office of the Texas Department of Water Resources. In addition, the results of these analyses will be maintained in the permanent records of McGinnes Industrial Maintenance Corporation's Galveston County site and available for inspection by Texas Department of Water Resources representatives. Any

PART III

OTHER REQUIREMENTS

significant change in the monitor well sample qualities as judged by the Texas Department of Water Resources will necessitate immediate corrective action that will be subject to the Texas Department of Water Resources approval.

Once the Gulf Coast Waste Disposal Authority - Washburn Tunnel Regional Plant - incinerator startup phase is completed, which is defined as 45 working days of "on-line" or continuous incineration of those sludges processed through the filter presses, including routine maintenance or "down-time" for the entire incinerator system, the permittee shall complete investigations to determine final ash handling and disposal methods. Within 180 calendar days following the completion of the incinerator startup phase, the permittee shall submit an engineering report, which outlines the final methods to be utilized in handling and disposal of ash at the site, to the Executive Director of the Texas Department of Water Resources for approval. Upon approval, the report shall become a part of this permit.

Composite samples taken to determine compliance with the limitations established in Part I of this permit shall be made up of three portions, sized proportional to flow, one portion being collected during each operating shift or otherwise suitably distributed throughout the operating day.

DEFINITIONS

All definitions contained in Section 26.001 of the Texas Water Code and Paragraph 502 of the Act shall apply to this permit and are incorporated therein by reference. Additional definitions of words or phrases used in this permit are as follows:

1. The term "Act" means the Federal Water Pollution Control Act, as amended, Public Law 92-500 (33 USC 1251 et seq).
2. The term "Environmental Protection Agency" means the U. S. Environmental Protection Agency.
3. The term "Administrator" means the Administrator of the U. S. Environmental Protection Agency.
4. The term "Regional Administrator" means one of the Regional Administrators of the U. S. Environmental Protection Agency.
5. The term "National Pollutant Discharge Elimination System" (hereinafter referred to as "NPDES") means the system for issuing, conditioning, and denying permits for the discharge of pollutants from the point sources into the navigable waters, the contiguous zone, and the oceans, by the Administrator of the Environmental Protection Agency pursuant to section 402 of the Federal Water Pollution Control Act, as amended.
6. The term "applicable effluent standards and limitations" means all State and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions, and pretreatment standards.
7. The term "applicable water quality standards" means all water quality standards to which a discharge is subject under the Act and which have been (a) approved or permitted to remain in effect by the Administrator following submission to him pursuant to Section 303(a) of the Act, or (b) promulgated by the Administrator pursuant to section 303(b) or 303(c) of the Act.
8. The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.
9. The term "sewage sludge" shall mean the solids and precipitates separated from wastewater by unit processes.

10. The term "treatment works" means any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extension, improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

11. The term "grab sample" means an individual sample collected in less than 15 minutes.

12. The term "uncontaminated water" means water which has no direct contact with any product or raw material and which does not contain a level of constituents detectably higher than that of the intake water.

13. The term "permitting authority" means the State water quality control agency or the Environmental Protection Agency, who physically issues the permit.

14. Items stamped N.P.D.E.S. REQUIREMENTS ONLY do not apply to this permit and are retained in this permit to preserve the form and numbering system of a National Pollutant Discharge Elimination System permit. The items stamped N.P.D.E.S. REQUIREMENTS ONLY in this permit were secured from a standard U.S. Environmental Protection Agency permit format existent in February, 1974, and they may or may not be identical to the requirements or conditions of the actual N.P.D.E.S. permit applicable to the facility covered by this permit. It is necessary to examine the issued N.P.D.E.S. permit authorizing discharge to determine the actual N.P.D.E.S. requirements.